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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,095	11/17/2003	Olli Oksanen	042933/269772	3257

826 7590 11/30/2009

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ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
11/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/715,095
Filing Date: November 17, 2003
Appellant(s): OKSANEN ET AL.

Christopher J. Gegg
For Appellant

EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed 10/30/09 appealing from the Office action mailed 11/6/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The appellant's statement of the related appeals and interferences contained in the brief is correct. The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal contains a typo in the citation of the Becker et al reference. The patent number listed is not correct. The correct Patent No. for Becker et al is 6,337,694 B1.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

US 2003/0033296 A1	ROTHMULLER ET AL	2-2003
6,496,842 B1	LYNESS	12-2002
6,337,694 B1	BECKER ET AL	1-2002
5,615,347	DAVIS ET AL	3-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-5, 7-15, 17-25, 27, 29-45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al (Pub. No. US 2003/0033296 A1), Lyness (U.S. Patent No. 6,496,842 B1), and Becker et al (U.S. Patent No. 6,337,694 B1).

Claims 1, 3-5, 7-15, 17-21, 30, 31 (Computer Program Product)

Claim 22, 23, 32-36 (Apparatus)

Claim 24, 25, 27, 29, 37-41 (Method)

Regarding claims 1, 22, and 24, Rothmuller teaches the claim comprising first instructions adapted to generate a media view that provides access to digital media files, by disclosing a method and apparatus for storing, cataloguing, managing, organizing, finding, and displaying objects such as digital images *[paragraph 4]*.

Rothmuller teaches second instructions adapted to generate a timeline view comprising a scrolling time bar, the second instructions further adapted to provide the ability to browse for media files matching a chosen browse parameter, by disclosing a timeline *[figure 3, '250']* having time bands that allow a user to navigate between certain periods of time such that photos are viewed based on the user's position within the timeline *[paragraph 29; figures 1, 3]*. Users can find photos according to timestamp as well as other metadata *[paragraph 30]*.

Although Rothmuller discloses *[figure 3]* which appears to have arrows and a slider bar beneath timeline 250 indicating the current position within the timeline, Rothmuller does not expressly teach a media handle that provides the ability to browse media files in the media view generated by the computer program product by using the media handle and browsing the media files according to a manually-controlled speed of the browsing determined by the relative deviated position of the media handle from a centerline position of the scrolling time bar for the media handle. Lyness discloses displaying a return-to-center user interface control tool *[column 3, lines 1-7, 10-22]* for navigating a set of information *[column 15, line 39 to column 16, line 51]*. The further the control tool is dragged from the rest position, the greater the emulated controller displacement *[column 14, lines 28-31]*. As shown in *[figure 16]*, the control tool is centered below the information it is navigating. The control tool may be a scroller as shown in *[figure 15]*. This provides a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control. Since Rothmuller teaches a control for browsing media files, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the GUI control with the variable rate of change feature, as taught by Lyness. This would provide a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control.

Rothmuller and Lyness do not expressly teach the second instructions further adapted to automatically decrease the manually-controlled speed of the browsing by computer program instruction control when a media file having the chosen browse

parameter approaches or is in the media view. Becker teaches a method and system for variable speed scrolling of a viewable object within a data processing system *[column 1, lines 8-13]*. As viewable objects are scrolled on a display, the scroll speed is dynamically varied in response to the content of the viewed portion of the viewable object. The scroll speed can vary in response to the type of objects being displayed within the viewable object, such as described in *[column 2, lines 57-67; column 5, lines 44-56]*. This makes it easier for a user to locate a desired section of the viewable object *[column 2, lines 12-21; 32-37]*. Since Rothmuller and Lyness teach scrolling through content, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include variable speed scrolling of a viewable object, as taught by Becker. This would make it easier for a user to locate a desired section of the viewable object.

As per claim 22, Rothmuller, Lyness, and Becker teach an input device in communication with the processing unit and adapted to control the deflection of the media handle, thereby manually controlling the speed of the browsing and defining the manually- controlled speed of the browsing, by disclosing using a mouse to control the GUI control *[Lyness, column 3, lines 1-10]*.

Rothmuller, Lyness, and Becker teach a display in communication with the processing unit that presents a combined view of the media view and the media handle, by disclosing the display in *[Rothmuller, figure 1]* and *[Rothmuller, paragraph 41]*.

Regarding claim 3, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the browse parameter is chosen from any combination of items of metadata associated with the media files, by disclosing searching for objects based on one or more tagged search criteria *[Rothmuller, paragraph 6]*.

Regarding claim 4, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the browse parameter is chosen from one or more items of metadata associated with periods of time, by disclosing that search criteria may include data and time *[Rothmuller, paragraph 6]*.

Regarding claims 5 and 27, Rothmuller, Lyness, and Becker teach the claim with respect to claim 3, wherein the item of metadata is chosen from the group consisting of time, media file type, media file size, media file bookmark, media file annotation, media file representation, media file title, media file name, topic, content, location, situation, preferences, contact information, names of people, names of electronic devices, technical information of electronic devices, items described in the media file and tables of content information, by disclosing a variety of search criteria may be used *[Rothmuller, paragraph 6]*.

Regarding claim 7, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the second instructions further includes instructions for decreasing the speed of the browsing in relation to the distance of the approaching media file and

extent of a deviation of the media handle from the centerline position, by disclosing dynamically varying scroll speed in response to the content of the viewed portion of the viewable object *[Becker, column 2, lines 57-67; column 5, lines 44-56]* and based upon the amount of displacement of the GUI control from the normal, center position *[Lyness, column 14, lines 28-31]*.

Regarding claims 8, 32, and 37, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the second instructions further include instructions for increasing the speed of the browsing when a media filed having the chosen browse parameter bypasses the centerline position of a view generated by the computer program product, by disclosing dynamically varying scroll speed in response to the content of the viewed portion of the viewable object *[Becker, column 2, lines 57-67; column 5, lines 44-56]*.

Regarding claim 9, Rothmuller, Lyness, and Becker teach the claim with respect to claim 8, wherein the second instructions further include instructions for increasing the speed of the browsing in relation to the distance of the bypassing media file and extent of a deviation of the media handle from the centerline position, by disclosing dynamically varying scroll speed in response to the content of the viewed portion of the viewable object *[Becker, column 2, lines 57-67; column 5, lines 44-56]* and based upon the amount of displacement of the GUI control from the normal, center position *[Lyness, column 14, lines 28-31]*.

Regarding claims 10, 33, and 38, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the first instructions associate the digital media files with a period of time based upon information associated with the digital media file, by disclosing a timeline *[Rothmuller, paragraph 28]*.

Regarding claim 11, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, further comprising third instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time, by disclosing a calendar view *[Rothmuller, paragraph 9]*.

Regarding claim 12, Rothmuller, Lyness, and Becker teach the claim with respect to claim 11, wherein the first instructions associates digital media files with a past period of time and wherein the third instructions associates events with respective future periods of time, by disclosing that metadata include past as well as recurring events *[Rothmuller, paragraph 25]*. Thus, the media view and calendar view may represent a past and future period of time.

Regarding claim 13, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the second instructions further include instructions for browsing the media items by stepping directly to the period of time including the media file having the

chosen browse parameter, by disclosing displaying the best match of a search in an image area *[Rothmuller, paragraph 30]*.

Regarding claim 14, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the second instructions further include instructions to browse a media view, a calendar view, and a time bar, by disclosing *[Rothmuller, figures 1,4]*.

Regarding claim 15, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the second instructions further provide for a browsing step function that is proportional to a movement of the media handle along a time bar, by disclosing varying scroll speed based upon the amount of displacement of the GUI control from the normal, center position *[Lyness, column 14, lines 28-31]*.

Regarding claims 17-20, 25, 34, and 39, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1, wherein the second instructions further provide for a speed of browsing that is proportional to the distance that the media handle is deviated from the centerline position, that accelerates when the media handle is deviated a certain distance from the centerline position on the view of the computer program product, increasing the speed of browsing as the distance from the centerline position is increased, and decreasing the speed of browsing as the distance from the centerline position is decreased, by disclosing varying browse speed based upon the amount of

displacement of the GUI control from the normal, center position *[Lyness, column 14, lines 28-31]*.

Regarding claim 21, Rothmuller, Lyness, and Becker teach the claim with respect to claim 18, wherein the second instructions further include instructions for increasing the speed of the browsing when the media file having the chosen browse parameter bypasses the viewable area of the display, by disclosing dynamically varying scroll speed in response to the content of the viewed portion of the viewable object *[Becker, column 2, lines 57-67; column 5, lines 44-56]*.

Regarding claim 23, Rothmuller, Lyness, and Becker teach the claim with respect to claim 22, wherein the computer-readable program instructions further comprising a third instructions adapted to generate a calendar view that represents time in calendar format, associates events with respective periods of time and is presented by the display in combination with the media view and media handle, by disclosing a calendar view *[Rothmuller, paragraph 9]*.

Regarding claim 29, Rothmuller, Lyness, and Becker teach the claim with respect to claim 24, further comprising automatically increasing the manually-controlled browse speed of the media handle when desired media files are not within the media view, by disclosing dynamically varying scroll speed in response to the content of the viewed portion of the viewable object *[Becker, column 2, lines 57-67; column 5, lines 44-56]*.

Regarding claims 30, 35, and 40, Rothmuller, Lyness, and Becker teach the claims with respect to claims 1, 22, and 24 respectively, wherein the second instructions further provide for stopping the browsing when the media handle is released, by disclosing scrolling based on the position of the user interface control from the center position *[Lyness, column 13, line 61 to column 14, line 23]*.

Regarding claims 31, 36, and 41, Rothmuller, Lyness, and Becker teach the claims with respect to claims 30, 35, and 40 respectively, wherein the second instructions further provide for automatically returning the media handle to a rest position corresponding to the centerline position when the media handle is released, by disclosing returning the user interface control to its rest position *[Lyness, column 14, lines 24-27]*.

Claims 42-45, 47

Regarding claim 42, Rothmuller teaches the claim comprising a processing unit configured to access media files, wherein tile processing unit is further configured to generate a media view that provides access to digital media files and associates digital media files with a period of time, by disclosing a method and apparatus for storing, cataloguing, managing, organizing, finding, and displaying objects such as digital images *[paragraph 4]*. Objects may be searched based on date and time *[paragraph 6]*.

Rothmuller teaches wherein the processing unit is further configured to generate a scrolling view that provides the ability to browse media files in the media view over several periods of time wherein the processing unit is further configured to provide the ability to browse for media files matching a chosen browse parameter, by disclosing a timeline *[figure 3, '250']* having time bands that allow a user to navigate between certain periods of time such that photos are viewed based on the user's position within the timeline *[paragraph 29; figures 1, 3]*. Users can find photos according to timestamp as well as other metadata *[paragraph 30]*.

Although Rothmuller discloses *[figure 3]* which appears to have arrows and a slider bar beneath timeline 250 indicating the current position within the timeline, Rothmuller does not expressly teach a scrolling view media handle that provides the ability to browse media files in the media view over several periods of time by control of the media handle and according to a manually-controlled speed of the browsing determined by a relative deflected position of the media handle from a centerline position for the media handle. Lyness discloses displaying a return-to-center user interface control tool *[column 3, lines 1-7, 10-22]* for navigating a set of information *[column 15, line 39 to column 16, line 51]*. The further the control tool is dragged from the rest position, the greater the emulated controller displacement *[column 14, lines 28-31]*. As shown in *[figure 16]*, the control tool is centered below the information it is navigating. The control tool may be a scroller as shown in *[figure 15]*. This provides a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control. Since Rothmuller

teaches a control for browsing media files, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the GUI control with the variable rate of change feature, as taught by Lyness. This would provide a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control.

Rothmuller and Lyness do not expressly teach wherein the processing unit is further configured to automatically decrease the manually-controlled speed of the browsing by computer program instruction control when the application determines that a media file having the chosen browse parameter approaches or is in the media view. Becker teaches a method and system for variable speed scrolling of a viewable object within a data processing system *[column 1, lines 8-13]*. As viewable objects are scrolled on a display, the scroll speed is dynamically varied in response to the content of the viewed portion of the viewable object. The scroll speed can vary in response to the type of objects being displayed within the viewable object, such as described in *[column 2, lines 57-67; column 5, lines 44-56]*. This makes it easier for a user to locate a desired section of the viewable object *[column 2, lines 12-21; 32-37]*. Since Rothmuller and Lyness teach scrolling through content, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include variable speed scrolling of a viewable object, as taught by Becker. This would make it easier for a user to locate a desired section of the viewable object.

Regarding claim 43, Rothmuller, Lyness, and Becker teach the claim with respect to claim 42, wherein the processing unit is further configured to receive control data from an input device to control the deflection of the media handle, thereby manually controlling the speed of the browsing and defining the manually-controlled speed of the browsing, and wherein the processing unit is further configured to adapt the speed of the browsing and define the manually-controlled speed of the browsing in correspondence with the control data received from the input device, by disclosing using a mouse to control the GUI control *[Lyness, column 3, lines 1-10]*. The speed is varied based upon the amount of displacement of the GUI control from the normal, center position *[Lyness, column 14, lines 28-31]*.

Regarding claim 44, Rothmuller, Lyness, and Becker teach the claim with respect to claim 42, wherein the processing unit is further configured to automatically increase the speed of the browsing when a media file having the chosen browse parameter bypasses the centerline position of the media view, by disclosing that the speed is varied based upon the amount of displacement of the GUI control from the normal, center position *[Lyness, column 14, lines 28-31]*.

Regarding claim 45, Rothmuller, Lyness, and Becker teach the claim with respect to claim 42, wherein the processing unit is further configured to continually increase the speed of the browsing as the relative distance of the media file having the chosen browse parameter to the period of time displayed in the media view increases based

upon the period of time associated with the media file and the periods of time by which the browsing occurs, by disclosing dynamically varying scroll speed in response to the content of the viewed portion of the viewable object *[Becker, column 2, lines 57-67; column 5, lines 44-56]*.

Regarding claim 47, Rothmuller, Lyness, and Becker teach the claim with respect to claim 42, wherein the processing unit is further configured to stop the browsing when the media handle is released and automatically return the media handle to a rest position corresponding to tile centerline position when the media handle is released, by disclosing scrolling based on the position of the user interface control from the center position *[Lyness, column 13, line 61 to column 14, line 23]* and returning the user interface control to its rest position *[Lyness, column 14, lines 24-27]*.

Claims 16 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al (Pub. No. US 2003/033296 A1), Lyness (U.S. Patent No. 6,496,842 B1), Becker et al (U.S. Patent No. 6,337,694 B1), and Davis et al (U.S. Patent No. 5,615,347).

Claim 16

Regarding claim 16, Rothmuller, Lyness, and Becker teach the claim with respect to claim 1. Rothmuller, Lyness, and Becker do not expressly teach wherein the second instructions further provide for generating a center mark on the media handle that

indicates the period of time that is browsed to the centerline of the view of the computer program product. Davis discloses providing sliders on a screen for selecting a value *[figure 2a]*. As shown, the slider is made up of a triangular portion marking the center of the slider and the value currently pointed to *[figure 2a]*. Additionally, a line 102 may be displayed marking the center of the slider 60 *[figure 2f]*. Displaying a graphic marking the center of the slider allows the user to more precisely see the value currently being selected. Since Rothmuller, Lyness, and Becker teach using a GUI control to scroll between ranges of dates using scrollers *[Lyness, figure 15]*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use display a graphic marking the center point of the scroller, as taught by Davis. This allows the user to more precisely see the value currently being selected.

Claim 46

Regarding claim 46, Rothmuller, Lyness, and Becker teach the claim with respect to claim 42, wherein the processing unit is further configured to generate a center mark on the media handle that indicates the period of time that is browsed to a the centerline of the view of the computer program product. Davis discloses providing sliders on a screen for selecting a value *[figure 2a]*. As shown, the slider is made up of a triangular portion marking the center of the slider and the value currently pointed to *[figure 2a]*. Additionally, a line 102 may be displayed marking the center of the slider 60 *[figure 2f]*. Displaying a graphic marking the center of the slider allows the user to more precisely see the value currently being selected. Since Rothmuller, Lyness, and Becker teach

using a GUI control to scroll between ranges of dates using scrollers *[Lyness, figure 15]*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use display a graphic marking the center point of the scroller, as taught by Davis. This allows the user to more precisely see the value currently being selected.

(10) Response to Argument

A. Appellant argues that the combination of the Rothmuller publication, Lyness patent, and Becker patent does not teach or suggest a scrolling time bar

Regarding independent claims 1, 22, 24, and 42, Appellant argues that Rothmuller et al (Pub. No. US 2003/033296 A1), Lyness (U.S. Patent No. 6,496,842 B1), and Becker et al (U.S. Patent No. 6,337,694 B1) do not explicitly teach or suggest "a scrolling time bar" *[Appellant's Brief, page 10, paragraph 1]*. Examiner notes that the term "scrolling time bar" may be broadly interpreted since nothing within the claims further limit the way in which a time bar functions in order for it to be considered a "scrolling" time bar. Even when viewed in light of Appellant's specification *[paragraph 61]* ("the time bar is scrolled simultaneously with scrolling of the underlying media view or calendar view"), one may garner two different ways to interpret what is meant by a "scrolling time bar". A first interpretation (for which Appellant's argument is based on) is that the timeline is specifically moved and it is this movement that makes the time bar "scrolling". A second interpretation is that the timeline allows a user to scroll to a specific period of time, which will be indicated in some way to the user. Moving the timeline to accommodate the selected position is incidental to the fact that the user may scroll to

different points within the timeline. In this second interpretation, it is the fact that different points within the timeline may be scrolled that makes the time bar "scrolling". As such, "scrolling time bar" may be interpreted either way.

Contrary to Appellant's arguments, Rothmuller discloses *[Rothmuller, figure 3]* which show left and right arrows and an icon between the arrows that appear to indicate the current position within the timeline. One of ordinary skill in the art would have understood the Rothmuller publication to teach and suggest that at least the left and right arrow are used to position the icon beneath the timeline to indicate the current position within the timeline. Photos are viewed based on the user's position within the timeline *[Rothmuler, paragraph 29; figures 1, 3]*. Thus, *[Rothmuller, figure 3]*, may be considered scrolling since the user may adjust their current position using the bar within the timeline.

One may also interpret the adjustable bands 251 within the timeline to read on a scrolling time bar. These bands indicate the time period of the photos displayed in the image area *[Rothmuller, paragraphs 28-29]*. Thus, the outer bounds of the timeline may be scrolled to increase or decrease the time period of displayed photos.

Additionally, the combination of Rothmuller and Lyness would provide a scrolling time bar such that the timeline moves to indicate a currently selected period of time. Lyness discloses displaying a return-to-center user interface control tool *[Lyness, column 3, lines 1-7, 10-22]* for navigating a set of information *[Lyness, column 15, line 39 to column 16, line 51]*. The further the control tool is dragged from the rest position, the greater the emulated controller displacement *[Lyness, column 14, lines 28-31]*. As

shown in *[Lyness, figure 16]*, the control tool is centered below the information it is navigating. *[Lyness, figure 16, 995, 996]* shows scrolling to the left displays more categories under 'Computers & Internet'. Thus, the information it is navigating would scroll to reflect the currently navigated item. The control tool may be a scroller within a bar as shown in *[Lyness, figure 15]*. This provides a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control. Since Rothmuller discloses a control for browsing media files of a timeline, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the GUI control with the variable rate of change feature, as taught by Lyness, to scroll through the timeline of Rothmuller. This would provide a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control. The control of Lyness would thus provide a control tool centered on a bar below the timeline that would allow for the scrolling of the timeline.

Appellant argues that Rothmuller, Lyness, and Becker do not teach or suggest that the timeline is capable of scrolling, such as to display periods of time beyond that which is shown in the extent of the visible portion of the timeline *[Appellant's Brief, page 10, paragraph 2]*. Examiner notes that nowhere in the claim recites such a limitation. The claim only recites a "scrolling time bar". As stated above, Rothmuller, Lyness, and Becker teach the limitation.

Appellant states that dependent claims 3-5, 7-21, 23, 25, 27, 29-41, and 43-47 recite all the limitations of the independent claims, and thus, are allowable in view of the

remarks set forth regarding independent claims 1, 22, 24, and 42. However, as discussed above, Rothmuller, Lyness, and Becker are considered to teach claims 1, 22, 24, and 42, and consequently, claims 3-5, 7-21, 23, 25, 27, 29-41, and 43-47 are rejected.

B. Appellant's argument that the combination of the Rothmuller Publication, Lyness patent, and Becker patent Does Not Teach or Suggest (i) a Centerline Position of a Scrolling Time Bar of a Timeline View or (ii) a Relative Deviated Position of a Media Handle from a Centerline Position of a Scrolling Time Bar

Regarding claims 1, 22, 24, and 42, Appellant argues that Rothmuller, Lyness, and Becker fail to teach or suggest a centerline position of the scrolling time bar *[Appellant's Brief, page 12, paragraph 5]*. Contrary to Appellant's arguments, Lyness discloses displaying a return-to-center user interface control tool *[Lyness, column 3, lines 1-7, 10-22]* for navigating a set of information *[Lyness, column 15, line 39 to column 16, line 51]*. The further the control tool is dragged from the rest position, the greater the emulated controller displacement *[Lyness, column 14, lines 28-31]*. As shown in *[Lyness, figure 16]*, the control tool is centered below the information it is navigating. Thus, the information it is navigating would scroll to reflect the currently navigated item. The control tool may be a scroller within a bar as shown in *[Lyness, figure 15]*. This provides a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control. Since Rothmuller discloses a control for browsing media files of a timeline, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to use the GUI control with the variable rate of change feature, as taught by Lyness, to scroll through the timeline of Rothmuller. This would provide a smooth user interface control tool that allows for a variable rate of change which enhances the efficiency with which a user can operate the control. Since the control tool is centered on the information it is navigating *[Lyness, figure 16]*, using the control tool on the timeline of *[Rothmuller, figure 3]* would provide a control that is centered on the timeline that would allow for scrolling of the timeline.

Appellant argues that Rothmuller, Lyness, and Becker fail to teach or suggest a relative deviated position of a media handle from a centerline position of a scrolling time bar *[Appellant's Brief, page 13, paragraph 1]*. Contrary to Appellant's arguments, as discussed above, Lyness discloses that the control tool is centered below the information it is navigating *[Lyness, figure 16]*. Using this control on the timeline of *[Rothmuller, figure 3]* would provide the control tool centered on the timeline. The further the control tool is dragged from the rest position, the greater the emulated controller displacement *[Lyness, column 14, lines 28-31]*. Thus, the control may be deviated from a centerline position of the timeline.

Appellant states that dependent claims 3-5, 7-21, 23, 25, 27, 29-41, and 43-47 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independent claims 1, 22, 24, and 42. However, as discussed above, Rothmuller, Lyness, and Becker are considered to teach claims 1, 22,

24, and 42, and consequently, claims 3-5, 7-21, 23, 25, 27, 29-41, and 43-47 are rejected.

C. Appellant's Argument that The Combination of the Rothmuller publication, Lyness patent, and Becker patent Does Not Teach or Suggest Decreasing the Speed of Browsing in Relation to the Distance of an Approaching Media File

Regarding dependent claim 7, Appellant argues that Rothmuller, Lyness, and Becker fail to teach or suggest "decreasing the speed of the browsing in relation to the distance of the *approaching* media file" *[Appellant's Brief, page 14]*. Examiner notes that the term "approaching" does not necessarily constitute that an object is not yet within view. "Approaching" merely means to come near, or nearer, as in space or time. An object can be approaching and still be in view, albeit at a distance farther away, or partially but not completely in view yet. Examiner believes Appellant is attempting to incorrectly limit the claims with respect to what is taught in the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim only recites that the speed is decreased based on distance of the approaching media file. Nowhere discloses a requirement that the media file be out of view. Contrary to Appellant's arguments, Becker discloses a method and system for variable speed scrolling of a viewable object within a data processing system *[Becker, column 1, lines 8-13]*. Scroll speed is dynamically varied in response to the content of the viewed portion of the viewable object *[Becker, column 2, lines 57-67;*

column 5, lines 44-56]. If the content is a graphical representation, the scrolling may proceed slower when more intricate sections are being displayed than when simple sections are displayed *[Becker, column 5, lines 57-66]*. Thus, the scrolling speed may proceed at a slow rate when only a portion of a graphical representation is displayed and may proceed even slower when the entire graphical representation having more intricate parts is displayed.

D. Appellant's Argument that The Combination of the Rothmuller publication, Lyness patent, and Becker patent Does Not Teach or Suggest Increasing the Speed of Browsing When a Media File Having the Chosen Browse Parameter Bypasses the Centerline Position of the Media View

Regarding dependent claims 8, 32, and 37, Appellant argues that Rothmuller, Lyness, and Becker fail to teach or suggest "increasing the speed of the browsing when a media file having the chosen browse parameter *bypasses the centerline position of a view*" *[Appellant's Brief, page 16]*. Examiner notes that nowhere in the claim defines what part of the media file that bypasses the centerline position of a view causing the increase in speed of browsing. Contrary to Appellant's arguments, Becker discloses that if the content is a graphical representation, the scrolling may proceed slower when more intricate sections are being displayed than when simple sections are displayed *[Becker, column 5, lines 57-66]*. Thus, there must be a point in which scrolling speed is at its slowest. This point marks the spot where content being displayed is of most interest to the user *[Becker, column 6, lines 40-58]*. As such, the content of most interest would be

centered on the display. Any movement away from the point of most interest would cause movement away from the center position and increase scrolling speed. Thus, at that point, scrolling speed would be based around this centerline position of the view.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Art Unit 2173
November 18, 2009

Conferees:

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